

REMARKS

Overview

Claims 18-21 and 23-31 are pending in the present application. The most recent action has been carefully reviewed. Applicant earnestly submits claims define an invention patentable over the cited art. Reconsideration is respectfully requested.

35 U.S.C. § 103 Rejection

The sole issue in the application is obviousness. Claims 18-21 and 23-31 stand rejected as obvious in light of newly cited Hughes Jr., U.S. Patent 3,753,312 in view of Fogerty (previously of record) U.S. Patent 5,186,673. This rejection is respectfully traversed.

Newly cited Hughes does not add any additional teaching than what is already of record in the application. Hughes discloses a two-dimensional body to which two-dimensional vinyl doll clothing can be adhered. This requires a cardboard or other thin 2-D body coated with a material such as PVC to allow PVC coated 2-D clothing to be attached. There is a three-dimensional head but it is on a two-dimensional body. Therefore, the relevant teaching of Hughes is similar to such prior references of record as Heggedal. These types of doll clothing configurations are described in Applicant's Background of the Invention. The obvious differences between the claimed invention and Hughes are at least as follows:

- a. The doll body is not three-dimensional and therefore not realistic.
- b. The clothing items are not realistic.
- c. The clothing items are not reconfigurable.

As emphasized in the Applicant's specification, Applicant's claimed invention goes in a distinct different direction than Hughes.

For example, Applicant's claim 18 specifically calls out "a doll or doll-sized dress form shaped mannequin". As is clear from that term, a dress form or mannequin is a three-dimensional item that simulates a three-dimensional body.

Applicant's claim 18 describes a "self-adherent elastic wrappable material". The two-dimensional vinyl clothing pieces of Hughes are neither elastic nor wrappable. As the Office Action correctly points out, two-dimensional clothing is applied to Hughes' two-dimensional body. It thus is not wrapped.

Applicant's claim 18 is a method claim. Under 35 U.S.C. § 100 and 101, a method can be patentable even if it uses known apparatus. The third element of Applicant's claim 18 describes "wrapping said piece around a portion of the doll or a doll-sized or dress form shaped mannequin". There is no teaching or disclosure of any wrapping in Hughes.

The last paragraph of Applicant's claim 18 describes "securing the piece to the doll or the doll-sized or dress form shaped mannequin by overlapping and pressing together two portions of the piece". This is defining securement of the clothing article to the doll by overlapping two portions of the clothing item. Hughes only places a two-dimensional clothing item against the two-dimensional doll shape. There is no overlapping of the clothing item onto itself to secure it. It relies on the tackiness of the vinyl material of one side of the clothing item to one side of the two-dimensional vinyl-coated doll.

The Office Action's rejection is based on § 103. It is acknowledges that the USPTO is not relying simply on Hughes. However, Hughes has been now cited as the primary reference.

Under § 103, a *prima facie* case of obviousness requires two critical steps with respect to the cited references. First, there must be some teaching or suggestion that the two-sided

references should be or could be combined. Secondly, if combined, their cumulative teaching must teach the combination of Applicant's claim.

Hughes in view of Fogerty does not meet either part of this test.

As specifically explained in Applicant's Background of the Invention, and in prior responses of record, the state of the art approaches to removable doll clothing fall into several categories. One is the two-dimensional vinyl doll shape to which vinyl clothing pieces in two-dimensional form can be adhered by the inherent tackiness characteristics of vinyl. This is Hughes. Another approach is the Fogerty approach. The simulated clothing piece can be snapped onto a two-dimensional or three-dimensional doll. Fogerty's approach is to make the clothing item of real fabric and then sew in a spring clip to snap the clothing item around a feature of the doll. Fogerty also discloses Velcro to attach parts of the clothing item to each other (such as to attach a skirt to surround the doll). Norman (previously of record) molds the clothing item out of somewhat flexible plastic to allow it to be sprung open and then snapped around the doll form.

As consistently argued, and as reflected in Applicant's claim 18, a different approach utilizes self adherent wrappable material.

Hughes teaches the vinyl two-dimensional approach. It has no need for sewing in spring clips or Velcro. Similarly Hughes could not use actual fabric and have it adhere to its vinyl two-dimensional doll shape. Therefore there is simply no *prima facie* showing of any teaching, suggestion, or motivation, or any basis to conclude Fogerty would look to Hughes or visa versa. They teach away from one another.

But even if their teachings are combined, they do not teach:

- a. A "self adherent elastic wrappable material".

b. Securing the piece ... by overlapping and pressing together two portions of the piece.

As mentioned, Hughes does not overlap two portions of the same vinyl two-dimensional clothing items to secure it to the doll. Fogerty arguably overlaps two pieces of the clothing items, but does not use the self-adherent properties of the clothing item to secure it to the doll (it uses sewn in hook and loop fasteners on opposite portions of the fabric to do so).

As has been emphasized before, one stark benefit which neither Hughes nor Fogerty can provide is the ability of Applicant's claimed invention to allow reconfiguration of clothing items using the same material. Both Hughes and Fogerty have to pre-manufacture specific shape, color, and type of clothing item for the doll.

It is therefore respectfully submitted Applicant's claim 18 is not obvious in light of cited references.

Furthermore, Applicant's claims 19 and 20 add the method limitation of overlaying a second piece of material over the first piece by self adherent properties. Nothing to this extent is taught or disclosed in either cited references.

Independent claim 21 is also a method claim that has similar limitations as described above. It is submitted to be allowable for the reasons expressed in support of the previous claims.

Claims 23-31 are dependent on claim 21 and submitted to be allowable for reasons expressed in support thereof.


Conclusion

It is respectfully submitted that all matters raised in the Office Action have been addressed and remedied and that the application is in form for allowance. Favorable action is respectfully requested.

It is not believed any fees or extensions of time are required for entry of this response but if any has been inadvertently overlooked, please consider this a request therefore and charge any required fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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